

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ONE55DAY INC.,

Plaintiff,

vs.

U.S. UNDERWRITERS INSURANCE
COMPANY,

Defendant.

:
: CIVIL ACTION
:
: No. 2:25-cv-2006
:
:
: **NOTICE OF REMOVAL**
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TO: Clerk of the Court
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, Defendant U.S. Underwriters Insurance Company (“U.S. Underwriters”) hereby removes this action from the Supreme Court of the State of New York, County of Suffolk, where this action is currently pending, and respectfully states as follows:

1. On February 27, 2025, Plaintiff One55Day Inc. (“One55Day”) commenced this action by filing a Summons and Verified Complaint against U.S. Underwriters in the Supreme Court of the State of New York, County of Suffolk, under Index No. 605278/2025. Attached hereto as Exhibit 1 is a true copy of a letter dated March 7, 2025 from the New York Department of Financial Services (“DFS”) to U.S. Underwriters, enclosing a copy of the Summons and Verified Complaint.

2. On March 7, 2025, the DFS acknowledged service of the Summons and Verified Complaint and then forwarded the Summons and Verified Complaint to U.S. Underwriters. *See* Ex. 1.

3. As indicated by the date stamp on the March 7, 2025 letter from the DFS, U.S. Underwriters received the Summons and Verified Complaint on March 13, 2025. *See* Ex. 1.

4. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction of this action, which is removable to this Court pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

5. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is being filed within the 30-day time limit for removal.

6. Upon information and belief, One55Day is a corporation duly organized and existing under the laws of the State of New York with its principal place of business in Commack, New York. *See* Ex. 1, Complaint, ¶ 1.

7. U.S. Underwriters is corporation organized and existing under the laws of the State of North Dakota with its principal place of business in Wayne, Pennsylvania. *See* Ex. 1, Complaint, ¶ 2.

8. Diversity jurisdiction existed at the commencement of this case and continues to exist on the date of filing of this Notice.

9. Based on the allegations of the Verified Complaint, the amount in controversy is greater than \$75,000, exclusive of interest and costs. One55Day seeks to recover damages that are allegedly in excess of \$250,000 on its First Cause of Action and in excess of \$200,000 on its Second Cause of Action. *See* Ex. 1, Complaint, Wherefore Clause.

10. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District because this action is currently pending in the Supreme Court of the State of New York, County of Suffolk, and a substantial part of the events or omissions giving rise to the claim occurred in this District.

11. Pursuant to 28 U.S.C. § 1446(d), U.S. Underwriters will file a Notice of Filing of Notice of Removal with the Supreme Court of the State of New York, County of Suffolk.

Dated: April 10, 2025
New York, New York

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U.S. Underwriters Insurance Company

By: /s/Vincent J. Proto
VINCENT J. PROTO

CERTIFICATE OF SERVICE

I certify that on the 10th day of April, 2025, I caused a copy of the Notice of Removal and accompanying exhibit to served on plaintiff's counsel, Scott E. Agulnick, Esq., Agulnick Kremin P.C., 516 Broadhollow Road, Suite 303, Melville, New York 11747, by electronic mail.

/s/Vincent J. Proto
VINCENT J. PROTO